

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**LARRY G. BYRD**

**V.**

**ESSEN INSURANCE COMPANY, INC.**

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§

**Case No. 9:10-CV-8**

**ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to a Referral Order entered on January 25, 2010. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant the plaintiff's "motion to dismiss voluntary nonsuit," construed as a motion for voluntary dismissal. No objections have been filed.

The magistrate judge's report is hereby **ADOPTED** and plaintiff's "motion to dismiss voluntary nonsuit" [Docket No. 7], construed as a motion for voluntary dismissal, is **GRANTED**. It is further

**ORDERED** that the reference to the magistrate judge is **VACATED**. It is further

**ORDERED** that all pending motions are **DENIED** as moot.

Final Judgment will be entered separately.

So **ORDERED** and **SIGNED** this **22** day of **April, 2010**.



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Ron Clark, United States District Judge